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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

DOCKETED

OCT 25 2002

AZ CORP COMMISSION
DOCUMENT CONTROL

WILLIAM MUNDELL
Chairman
JIM IRVIN
Commissioner
MARC SPITZER
Commissioner

DOCKETED BY

CMR

IN THE MATTER OF THE APPLICATION
OF ARIZONA PUBLIC SERVICE
COMPANY FOR AN ORDER OR ORDERS
AUTHORIZING IT TO ISSUE, INCUR, OR
ASSUME EVIDENCES OF LONG-TERM
INDEBTEDNESS; TO ACQUIRE A
FINANCIAL INTEREST OR INTERESTS IN
AN AFFILIATE OR AFFILIATES; TO LEND
MONEY TO AN AFFILIATE OR
AFFILIATES; AND TO GUARANTEE THE
OBLIGATIONS OF AN AFFILIATE OR
AFFILIATES

DOCKET NO. E-01345A-02-0707

**MOTION AND CONSENT OF LOCAL
COUNSEL FOR PRO HAC VICE
ADMISSION OF FREDERICK D.
OCHSENHIRT**

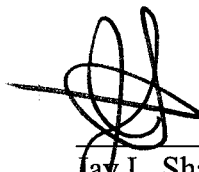
The signature attorney, pursuant to Rule 33 (c) and (d) Rules of the Supreme Court, moves the Commission to admit Frederick D. Ochsenhirt as counsel pro hac vice in this action.

Pursuant to Rule 33 (c) and (d) Rules of the Supreme Court, the following exhibits are attached hereto:

1. the original Verified Application;
2. the original Certificates of Good Standing; and
3. the State Bar of Arizona Notice of Receipt.

The filing fee as required by Rule 33(d) has been submitted to the State Bar of Arizona. Jay L. Shapiro hereby agrees to serve as designated local counsel for the subject case. A proposed order admitting Frederick D. Ochsenhirt accompanies this motion.

1 Dated this 25th day of October, 2002.

2
3
4 
5 Jay L. Shapiro
6 Bar No. 14650
7 Fennemore Craig, P.C.
8 3003 North Central Avenue
9 Suite 2600
10 Phoenix, AZ 85012

11 **ORIGINAL +10 copies of the foregoing**
12 **hand-delivered for filing this 25th day**
13 **of October, 2002:**

14 Docket Control
15 ARIZONA CORPORATION COMMISSION
16 1200 West Washington
17 Phoenix, Arizona

18 **COPY delivered this 25th of October, 2002 day to:**

19 Lyn Farmer
20 Chief Administrative Law Judge
21 ARIZONA CORPORATION COMMISSION
22 1200 West Washington
23 Phoenix, Arizona

24 Christopher Kempley
25 Chief Counsel
26 ARIZONA CORPORATION COMMISSION
1200 West Washington
Phoenix, Arizona

Ernest Johnson
Utilities Director
ARIZONA CORPORATION COMMISSION
1200 West Washington
Phoenix, Arizona

1 **COPY mailed this 25th day of October, 2002 to:**

2 Jeffrey B. Guldner
3 SNELL & WILMER
4 One Arizona Center
400 E. Van Buren
Phoenix, AZ 85004

5 Thomas L. Mumaw
6 PINNACLE WEST CAPITAL CORP
7 LAW DEPARTMENT
P.O. Box 53999, MS 8695
Phoenix, AZ 85072-3999

8 Larry F. Eisenstat
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11 Lindy Funkhouse
12 Scott Wakefield
13 RUCO
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14 William P. Sullivan
15 Michael A. Curtis
2712 N. 7th Street
16 Phoenix, AZ 85006-1090
Attorneys for Reliant Resources, Inc.

17 Roger K. Ferland
18 QUARLES & BRADY STREICH LANG, LLP
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19 Two North Central Avenue
Phoenix, AZ 85004-2391
20 Attorneys for Harquahala Generating Company, LLC

21 Jay I. Moyes
22 MOYES STOREY
3003 N. Central Ave., Suite 1250
Phoenix, AZ 85012
23 Attorneys for PPL Southwest Generation
Holdings, LLC; PPL Energy Plus, LLC; and
24 PPL Sundance Energy, LLC

Jesse A. Dillon
PPL
2 North Ninth Street
Allentown, PA 18101

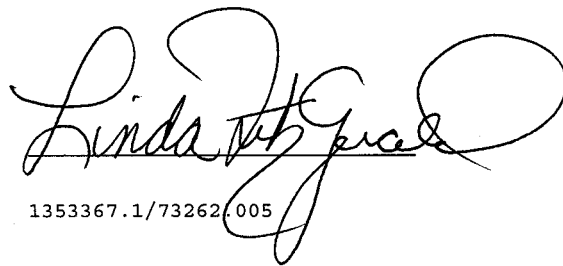
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One Arizona Center
400 E. Van Buren, Suite 800
Phoenix, AZ 85004
Attorneys for Tucson Electric Power Co.

ARIZONA REPORTING SERVICE, INC.
2627 N. Third Street, Suite Three
Phoenix, AZ 85004-1104


1353367.1/73262.005

TO PRINT



For Official Use Only
App# 01345A-020707
Pro Hac ID # 00024

**NONRESIDENT ATTORNEY
PRO HAC VICE APPLICATION**

Name: Frederick D. Ochsenhirt

Residence Address: 2005 Westfield Street Alexandria, VA 22308

Office Address: 2101 L Street, NW Washington, DC 20037

Telephone: (202) 861-9161 Fax: (202) 887-0689

Title of cause or case where applicant seeks to appear: **See Attachment 1**

Docket Number: E-01345A-02-0707

Court, Board, or Administrative Agency: Arizona Corporation Commission

Party on whose behalf applicant seeks to appear: Panda Gila River, L.P.

Courts to Which Applicant Has Been Admitted:	Date of Admission:	Bar Number:
<u>VA Supreme Court</u>	<u>September 1994</u>	<u># 37645</u>
<u>PA Supreme Court</u>	<u>May 1995</u>	<u># 75588</u>
<u>DC Supreme Court</u>	<u>July 2002</u>	<u># 463838</u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>

Applicant is a member in good standing in such courts.

Applicant is not currently disbarred or suspended in any court.

Applicant ☐ is / ☒ is not (select one) currently subject to any pending disciplinary proceeding or investigation by any court, agency or organization authorized to discipline attorneys at law.

Jurisdiction(s) Where Discipline Matter Pending:	Nature of Matter Under Investigation:	Name / Address of Disciplinary Authority:
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>

Applicant ☐ has / ☒ has not (select one) been disciplined by any court, agency or organization authorized to discipline attorneys at law.

In the preceding three (3) years, applicant has filed applications to appear as counsel under Rule 33, Arizona Rules of Supreme Court in the following:

Title of Matter:	Docket #:	Court or Agency:	Application Granted? (Y/N)
<u>**See Attachment 2 and 3**</u>	<u> </u>	<u> </u>	<u>N/A</u>
<u> </u>	<u> </u>	<u> </u>	<u>N/A</u>
<u> </u>	<u> </u>	<u> </u>	<u>N/A</u>
<u> </u>	<u> </u>	<u> </u>	<u>N/A</u>

ATTACHMENT 1

Title of cause or case where applicant seeks to appear:

In the matter of the Application of Arizona Public Service Company for an Order or Orders Authorizing it to Issue, Incur, or Assume Evidences of Long-Term Indebtedness, to Acquire a Financial Interest or Interests in an Affiliate or Affiliates; to lend money to an Affiliate or Affiliates; and to Guarantee the Obligations of an Affiliate or Affiliates

ATTACHMENT 2 and 3

In the preceding three (3) years, applicant has filed applications to appear as counsel under Rule 33, Arizona Rules of Supreme Court in the following:

Title of Matter	Docket #	Court or Agency
In the Matter of the Arizona Public Service Company's Request for Variance of certain Requirements of A.A.C. R14-2- 1606	E-01345A-01-0822	Before The Arizona Corporation Commission
In the Matter of the Generic Electric Proceedings concerning Electric Restructuring Issues	E-00000A-02-0051	Before The Arizona Corporation Commission

Name of local counsel: Jay L. Shapiro

State Bar of Arizona Number: # 14650

Address: 3003 North Central Avenue, Suite 2600, Phoenix, AZ 85012-2913

Telephone: (602) 916-5000 Fax: (602) 916-5999

Name(s) of each party in this cause and name and address of all counsel of record: ****See Attachment 4****

Party:	Counsel of Record:	Address:
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Applicant is including with this application a nonrefundable application fee, payable to the State Bar of Arizona, in the amount of \$330.00.

This case or cause ☒ is / ☐ is not (select one) a related or consolidated matter for which applicant has previously applied to appear pro hac vice in Arizona. If this matter is a related or consolidated with any previous application, applicant certifies the following:

Applicant certifies the following:

1. Applicant shall be subject to the jurisdiction of the courts and agencies of the State of Arizona and to the State Bar of Arizona with respect to the law of this state governing the conduct of attorneys to the same extent as an active member of the State Bar of Arizona, as provided in Rule 46(b) Rules of the Supreme Court.
2. Applicant will review and comply with appropriate rules of procedure as required in the underlying cause.
3. Applicant understands and shall comply with the standards of conduct required of members of the State Bar of Arizona.

Verification

STATE OF District of Columbia)
County of _____) ss.

I, the Applicant, swear that all statements in the application are true, correct and complete to the best of my knowledge and belief.

Dated: 10/23/02

Applicant's signature *Frederick D. Ochsenhirt*

SUBSCRIBED AND SWORN TO before me this 23 day of October, 2002, by
Frederick D. Ochsenhirt
Name of Applicant

Penny Charin
Notary Public
Penny Charin
Notary Public District of Columbia
My Commission Expires: March 14, 2006

ATTACHMENT 4

Name(s) of each party in this cause and name and address of all counsel of record:

PARTY	COUNSEL OF RECORD	ADDRESS
APS	Matthew P. Feeney Jeffrey B. Guldner Faraz Sanei Snell & Wilmer	One Arizona Center 400 East Van Buren Street Phoenix, AZ 85004-2202
APS Pinnacle West Capital Corporation	Thomas L. Mumaw, Esq. Senior Attorney	P. O. Box 53999 MS 8695 Phoenix, AZ 85072-3999
PANDA Gila River L.P. Fennemore Craig, P.C.	Jay L. Shapiro	3003 North Central Avenue Suite 2600 Phoenix, AZ 85012-2913
Dickstein Shapiro Morin & Oshinsky LLP	Larry F. Eisenstat Michael R. Engleman Frederick D. Ochsenhirt	2101 L Street, NW Washington, DC 20037
RUCO Residential Utility Consumer Office	Lindy Funkhouser Scott S. Wakefield	1110 West Washington Suite 220 Phoenix, AZ 85070
Reliant Resources Inc. Martinez & Curtis, P.C.	Michael A. Curtis William P. Sullivan Paul R. Michaud	2712 North 7th Street Phoenix, AZ 85006
Arizona Utility Investors Association	Walter W. Meek President	2100 North Central Avenue Suite 210 Phoenix, AZ 85004
ACAA	Mary-Ellen Kane	2627 North 3rd Street Suite Two Phoenix, AZ 85004
PG&E Energy Services Corp. Munger Chadwick, PLC	Lawrence V. Robertson, Jr	333 North Wilmot Suite 300 Tucson, AZ 85711-2634
Arizona Consumers Council	Albert Sterman	2849 East 8th Street Tucson, AZ 85716
PPL Southwest	Jay I. Moyes Moyes Storey	3003 North Central Avenue Suite 1250 Phoenix, AZ 85012

ATTACHMENT 4

Name(s) of each party in this cause and name and address of all counsel of record:

PARTY	COUNSEL OF RECORD	ADDRESS
Arizonans For Electric Choice & Competition	Charles T. Stevens	245 West Roosevelt Phoenix, AZ 85003
Arizona Competitive Power Alliance	Greg Patterson	5432 East Avalon Phoenix, AZ 85018
AES New Energy	Aaron Thomas o	350 South Grand Avenue Suite 2950 Los Angeles, CA 90071
Arizonans For Electric Choice & Competition	Gary A. Dodge Hatch, James & Dodge	10 West Broadway Suite 400 Salt Lake City, UT 84101
Arizona Reporting Service, Inc.		2627 N. Third Street Suite Three Phoenix, AZ 85004-1103

Supreme Court of Virginia

AT RICHMOND

Certificate

I, David B. Beach, Clerk of the Supreme Court of Virginia,
do hereby certify that

FREDERICK DWIGHT OCHSENHIRT

was admitted to practice as an attorney and counsellor at the bar of
this Court on November 1, 1994.

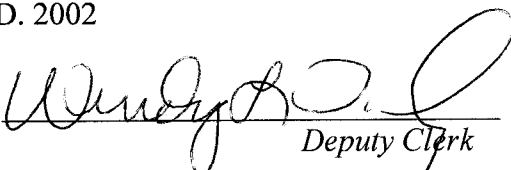
I further certify that so far as the records of this office are
concerned, FREDERICK DWIGHT OCHSENHIRT is a member
of the bar of this Court in good standing.

Witness my hand and seal of said Court

This 10th day of October

A.D. 2002

By:


Deputy Clerk



Supreme Court of Pennsylvania

CERTIFICATE OF GOOD STANDING

Frederick Dwight Ochsenhirt, Esq.

DATE OF ADMISSION

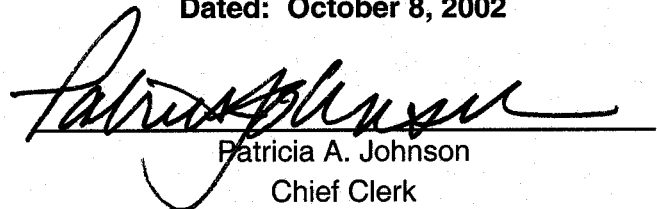
May 23, 1995

The above named attorney was duly admitted to the bar of the Commonwealth of Pennsylvania, and is now a qualified member in good standing.



Witness my hand and official seal

Dated: October 8, 2002


Patricia A. Johnson
Chief Clerk



District of Columbia Court of Appeals
Committee on Admissions
500 Indiana Avenue, N.W. — Room 4200
Washington, D. C. 20001
202/879-2710

I, GARLAND PINKSTON, JR., Clerk of the District of Columbia Court of Appeals, do hereby certify that

FREDERICK D. OCHSENHIRT

was on the 8th day of July, 2002,
duly qualified and admitted as an attorney and counselor and
entitled to practice before this Court and is, on the date
indicated below, an active member in good standing of this Bar.

In Testimony Whereof, I have
hereunto subscribed my name and
affixed the seal of this Court
at the City of Washington, D.C.
this 4th day of
October, 2002.

GARLAND PINKSTON, JR., CLERK

By: 
Deputy Clerk

**Administrative Agency
Arizona Corporation Commission**

In the matter of : Panda Gila River L.P)
Plaintiff/Petitioner)
v.)
)
)
)
)

CASE # E-01345A-02-0707

SBA App #1000024

**NOTICE OF RECEIPT OF
COMPLETE APPLICATION**

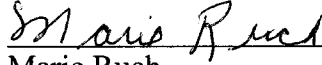
NOTICE IS HEREBY given by THE STATE BAR OF ARIZONA that it has received the verified application and fee from Frederick D. Ochsenhirt.

In addition to this application, applicant has made the following applications to appear pro hac vice, pursuant to Rule33 (d), within the previous three (3) years:

Title of Matter	Court/Agency	Date	Granted?	
AZ Public Service Co.	AZ Corporation Comm.		<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
Generic Electric Pro.	AZ Corporation Comm.		<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
			<input type="checkbox"/> yes	<input type="checkbox"/> no
			<input type="checkbox"/> yes	<input type="checkbox"/> no

Exhibit A, the original verified application and Exhibit B, the original Certificate(s) of Good Standing are attached hereto.

DATED this 24th day of October, 2002


Marie Ruch
Membership Records
State Bar of Arizona

Original Mailed on
October 24, 2002 to:
Jay L. Shapiro
Fennmore Craig PC
3003 N. Central Ave Suite 2600
Phoenix, AZ 85012-2913

1 BEFORE THE ARIZONA CORPORATION COMMISSION

2
3 WILLIAM MUNDELL
Chairman
4 JIM IRVIN
Commissioner
5 MARC SPITZER
Commissioner
6

7 IN THE MATTER OF THE APPLICATION
8 OF ARIZONA PUBLIC SERVICE
9 COMPANY FOR AN ORDER OR ORDERS
10 AUTHORIZING IT TO ISSUE, INCUR, OR
11 ASSUME EVIDENCES OF LONG-TERM
12 INDEBTEDNESS; TO ACQUIRE A
13 FINANCIAL INTEREST OR INTERESTS IN
AN AFFILIATE OR AFFILIATES; TO LEND
MONEY TO AN AFFILIATE OR
AFFILIATES; AND TO GUARANTEE THE
OBLIGATIONS OF AN AFFILIATE OR
AFFILIATES

DOCKET NO. E-01345A-02-0707

**ORDER RE: PRO HAC VICE
ADMISSION OF FREDERICK D.
OCHSENHIRT**

14
15 Having considered the Application to Appear Pro Hac Vice submitted by Frederick D.
16 Ochsenhirt, and good cause appearing therefrom,

17 IT IS HEREBY ORDERED that Frederick D. Ochsenhirt may appear and practice before
18 this Commission in the above-captioned docket.

19 Dated this _____ day of _____, 2002.
20
21
22

23 _____
Lyn Farmer
Chief Administrative Law Judge
24
25
26

1 ORIGINAL +10 copies of the foregoing
2 hand-delivered for filing this 25th day
3 of October, 2002 to:

4 Docket Control
5 ARIZONA CORPORATION COMMISSION
6 1200 West Washington
7 Phoenix, Arizona

8 COPY delivered this 25th day of October, 2002 to:

9 Lyn Farmer
10 Chief Administrative Law Judge
11 ARIZONA CORPORATION COMMISSION
12 1200 West Washington
13 Phoenix, Arizona

14 Christopher Kempley
15 Chief Counsel
16 ARIZONA CORPORATION COMMISSION
17 1200 West Washington
18 Phoenix, Arizona

19 Ernest Johnson
20 Utilities Director
21 ARIZONA CORPORATION COMMISSION
22 1200 West Washington
23 Phoenix, Arizona

24 
25
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